

## REMARKS

This is a full and timely response to the non-final Office Action mailed April 8, 2008. The Applicants have amended claims 1 and 8, as indicated above, and canceled claims 15 – 26 without waiver, prejudice, or disclaimer. Upon entry of these amendments, claims 1, 2 and 8 – 14 are pending. The Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

I. Applicants Acknowledge Withdrawal of Rejection of Claim 1 Under 35 U.S.C. 112, First Paragraph

The prior Office Action mailed September 13, 2007 rejected claims 1 and 15 under 35 U.S.C. 112, first paragraph as allegedly failing to comply with the written description requirement. The Applicants' remarks submitted December 13, 2007 traversed this rejection. The current Office Action appears to have withdrawn this rejection in that there is not a pending rejection under this statutory provision, although there is not an explicit mention that the rejection was withdrawn. The Applicants respectfully request that the next Action explicitly confirm that this rejection has been withdrawn and that all pending claims fully comply with the written description requirement.

II. Rejection Under 35 U.S.C. 102

The Office Action rejects claims 1, 8 – 11, 17, 18 and 21 – 23 under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 6,118,915 to Sato ("Sato"). The Applicants have canceled claims 15 – 26 without waiver, prejudice, or disclaimer and, therefore, the rejection of claims 17, 18 and 21 – 23 is rendered moot. With regard to the rejection of claims 1 and 8 – 11, the Applicants have amended independent claim 1, as indicated above, to recite features or

elements that are clearly not disclosed, taught, or suggested by Sato (and as described below in more detail). For at least this reason, the rejection should be withdrawn and all pending claims be allowed.

Independent claim 1 has been amended to include the features or elements previously recited in dependent claim 8. Independent claim 1, as amended, recites that the end surfaces of the output optical waveguide and the further optical waveguide are “offset with respect to a perpendicular to said input-to-output propagation path, and a propagation path of radiation through said at least one optical component is at an angle with respect to said input-to-output propagation path.” Sato clearly does *not* disclose, teach, or suggest this element or feature.

The Office Action alleges that Sato discloses this feature in connection with the rejection of dependent claim 8. The Office Action argues that Sato discloses that “the isolator (12) is laterally offset to the perpendicular to said input-to-output, the path of radiation is transmission is at angle (*sic*).” The Applicants respectfully disagree. Nowhere in the reference does Sato disclose that the isolator (12) is offset. Sato clearly discloses that the isolator (12) is disposed in a slit formed in the optical waveguide and, therefore, the isolator *cannot* be offset to a perpendicular to the input-to-output propagation path. Based on the geometry of the optical waveguide and the slit formed in the optical waveguide, the isolator (12) is optically aligned in a standard arrangement along the input-to-output propagation path – *without ANY offset*. As a result of this standard alignment, the radiation in the Sato device *cannot* propagate through isolator (12) at an angle with respect to the input-to-output propagation path. Unlike the arrangement in independent claim 1, the radiation in Sato propagates through the isolator (12) along the input-to-output propagation path.

The Office Action appears to be misconstruing the teachings of Sato based on the nature of the perspective view of the optical device as illustrated in FIG. 1 of the reference. Nowhere in the specification does Sato disclose that the isolator (12) is offset in any manner. The isolator (12) is disposed in the slit, which is formed in the waveguide 3. Although the slit forms two portions of the waveguide 3, it is clear that when the isolator (12) is disposed in the slit, the isolator (12) must still be optically aligned along the preexisting axis of the waveguide 3. Therefore, there *cannot* be any offset. It seems that the Office Action is improperly interpreting FIG. 1 as providing the basis for an offset because the nature of the perspective view gives the visual impression that isolator (12) is not centered within the slit. However, considering the fact that the illustration of the optical device is in perspective view and given the supporting description in the specification, it is clear that the isolator (12) is merely disposed in the slit, which is necessarily along the preexisting axis of the waveguide and *not* offset in any manner.

Furthermore, the Applicants note that independent claim 1 recites that the “offset feature” is in relation to the end surfaces of the optical waveguide and the further optical waveguide – not the optical component. Therefore, even assuming for the sake of argument that FIG. 1 of Sato is viewed as contradicting the clear teachings of the specification and suggesting that the isolator (12) is somehow offset with respect to a perpendicular to said input-to-output propagation path, the Applicants note that this “offset” is not with respect to the optical waveguides. Sato clearly discloses and FIG. 1 clearly teaches that the waveguide portions 3 are formed from a preexisting waveguide 3 in which a slit is formed. Thus, contrary to the arrangement in claim 1, the waveguide portions 3 *must* be aligned and *cannot* be offset.

For at least these reasons, the Applicants respectfully submit that the rejection of independent claim 1 as allegedly being anticipated by Sato is improper and, therefore, should be

withdrawn. The rejection of dependent claims 2 and 8 – 14 (which depend from independent claim 1) should also be withdrawn and the claims allowed for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly, the Applicants respectfully request that the rejection of claims 1, 2 and 8 – 14 be withdrawn and the claims be allowed.

### **CONCLUSION**

For at least the reasons set forth above, the Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1, 2 and 8 - 14 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are requested. If in the opinion of the Examiner a telephonic conference would expedite examination of this application, the Examiner is invited to call the undersigned attorney at 813-382-9345.

Respectfully submitted,

/Adam E. Crall/

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### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: July 8, 2008

/Adam E. Crall/

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Signature